

DISTRICT COURT
FILED

NOV 01 2013

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY

STATE OF OKLAHOMA

BALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

LUZ TORRES,

Plaintiff,

v.

SAINT FRANCIS SOUTH, LLC, an
Oklahoma limited liability company

Defendant.

CJ-2013-05029**DANA LYNN KUEHN**PETITION

The Plaintiff Luz C. Torres (Plaintiff), by and through her attorney, Brendan M. McHugh, submits her Petition against the Defendant Saint Francis South, LLC (Defendant). In support thereof, Plaintiff alleges and states as follows:

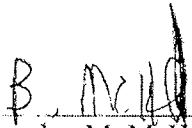
1. That Defendant is an Oklahoma limited liability company located in Tulsa, Oklahoma.
2. Plaintiff was employed with Defendant in Tulsa County.
3. That Plaintiff is an individual and former employee of Defendant and was employed from April of 2001 until October 8, 2012.
4. That Plaintiff sustained an on-the-job injury and as a result, availed herself of her rights under the Oklahoma Worker's Compensation Code, 85 O.S. §301 et seq. (the Code), including seeking medical treatment.
5. That defendant terminated Plaintiff.
6. That Defendant's termination of Plaintiff was in retaliation for Plaintiff availing herself of her rights under the Code and as such the availment of her rights was significant motivating factor in her termination and conduct of Defendant violated 85 O.S. § 341.
7. Additionally, Plaintiff is in a protected class in that she is Hispanic.
8. Plaintiff was discriminated against and retaliated against on the basis of her race. This

EXHIBIT**1**

includes Defendant coercing Plaintiff to sign a document purporting to be a voluntary resignation when Defendant was fully aware that Plaintiff was represented by counsel but nevertheless coerced Plaintiff into signing this document after Defendant had already terminated, clearly attempting to circumvent Plaintiff's rights.

9. Defendant was aware that Plaintiff has difficulty understanding English and took advantage of this.
10. Defendant terminated Plaintiff in violation of 42 U.S.C. §1981 by terminating her because of her race and national origin.
11. Defendant has acted with conscious disregard to the federally secured rights of Plaintiff and as such, punitive damages in excess of \$10,000.00 should be assessed against him.
12. As a result of the conduct of Defendant, Plaintiff has sustained actual damages in excess of \$75,000.00.
13. Defendant has acted with reckless disregard for the rights of Plaintiff, and intentionally with malice, and as such punitive damages in excess of \$10,000.00 should be assessed against Defendant.

WHEREFORE, for all of the foregoing reasons, Plaintiff respectfully requests an award of actual damages in excess of \$75,000.00, an award of punitive damages in excess of \$10,000.00, all costs of this action, reasonable attorney fees, and for any and further relief this Court deems just and proper.


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JURY TRIAL DEMANDED
ATTORNEY LIEN CLAIMED